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U.S. DISTRICT COURT E.D.N.Y.

APR 21 2010

10-04584

JJD
F. #2010R0_____

UNITED STATES DISTRICT COURT LONG ISLAND OFFICE
EASTERN DISTRICT OF NEW YORK

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TO BE FILED UNDER SEAL

UNITED STATES OF AMERICA

- against -

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

LUIS GARCIA,
also known as "Coyote,"

(8 U.S.C. § 1326(a))

Defendant.

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

MATTHEW SHOOK, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Bureau of Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

Upon information and belief, there is probable cause to believe that on or about November 7, 2008, the defendant LUIS GARCIA, also known as "Coyote," being an alien who was deported from the United States and who had not made an application for readmission to the United States to which the Secretary of the Department of Homeland Security of the United States had expressly consented, was found in the United States.

(Title 8, United States Code, Sections 1326(a))

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I have been a Special Agent with ICE for approximately six years and was a federal agent with other federal law enforcement agencies for five years before that. I am familiar with the facts and circumstances set forth below from my participation in this investigation, from reports made to me by other law enforcement officers, from information obtained from other witnesses and from my review of the defendant's criminal history records and ICE records.

2. On November 7, 2008, police officers with the Nassau County Police Department ("NCPD") were on patrol in Roosevelt, New York when they encountered the defendant LUIS GARCIA, also known as "Coyote," and several other known members of the street gang La Mara Salvatrucha, also known as the "MS-13." The NCPD asked the defendant to identify himself and he admitted that his name was "Luis Garcia." Additionally, the defendant and the other MS-13 members were photographed by the NCPD at that time.

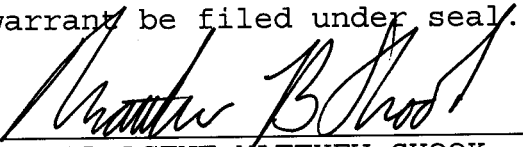
3. I have reviewed the photograph taken by the NCPD on November 7, 2008 and compared it to photographs from the alien

^{1/} Because the purpose of this affidavit is to establish only probable cause to arrest, I have not set forth a description of all the facts and circumstances of which I am aware.

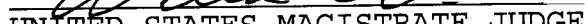
file of the defendant LUIS GARCIA, also known as "Coyote," and submit that they are photographs of the same individual.

4. ICE records reveal that the defendant LUIS GARCIA, also known as "Coyote," is a citizen of Honduras and has been deported from the United States to Honduras twice, on November 16, 2000 and October 30, 2002, respectively. Further, a criminal history report for the defendant shows that he previously was convicted of Illegal Reentry into the United States, a felony, in the District of Arizona, on or about September 17, 2002. Finally, a search of ICE records has revealed that the defendant has not sought, and has not been granted, the permission of the Secretary of the Department of Homeland Security of the United States to re-enter the United States.

WHEREFORE, your deponent respectfully requests that the Court issue a warrant for the arrest of the defendant LUIS GARCIA, also known as "Coyote," so that he may be dealt with according to law. In addition, it is respectfully requested that this Affidavit and the arrest warrant be filed under seal.


SPECIAL AGENT MATTHEW SHOOK
Immigration and Customs Enforcement

Sworn to before me this
21st day of April 2010


UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK